

TREG R. TAYLOR
ATTORNEY GENERAL
Ronald W. Opsahl (Colo. Bar No. 35662)
Assistant Attorney General
Brian E. Gregg (Alaska Bar No. 2107080)
Assistant Attorney General
Alaska Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501
Telephone: (907) 269-5100
Facsimile: (907) 276-3697
Email: *ron.opsahl@alaska.gov*
brian.gregg@alaska.gov

Attorney for State of Alaska

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ALATNA VILLAGE COUNCIL, et al.,

Plaintiffs,

v.

THOMAS HEINLEIN, in his official capacity
as Acting Alaska State Director for the U.S.
Bureau of Land Management, et al.,

Defendants,

and

AMBLER METALS, LLC, et al.,

Intervenor-Defendants.

Case No. 3:20-cv-00253-SLG

**STATE OF ALASKA'S MOTION FOR ORDER POSTPONING BRIEFING ON
THE MERITS OF PLAINTIFFS' CLAIMS**

Intervenor-Defendant State of Alaska (“Alaska”) moves this Court to vacate the current briefing schedule on the merits of Plaintiffs’ claims,¹ and to stay proceeding on the merits until there is a ruling on Defendant Department of the Interior’s pending voluntary remand motion.² Plaintiffs reserve taking a position on the motion. Federal Defendants do not oppose the motion. Intervenor AIDEA, Ambler Metals, LLC, and NANA do not oppose the motion.

In brief, on February 7, 2022, the Court issued an order setting a revised schedule for completing briefing on the merits of Plaintiffs’ claims. Defendants’ brief in opposition was due on February 22, Intervenor-Defendants’ briefs in opposition are due on March 15, and Plaintiffs’ reply brief are due on April 5.³ However, on February 22, Defendant Department of Interior and its agencies, Defendants Bureau of Land Management and National Park Service, moved for an order remanding the “challenged decisions” to the agencies for reconsideration. At the request of several parties, the Court subsequently issued an order extending the deadline for the parties to respond to the Department’s remand motion to March 22.⁴ As a result, the date on which Intervenor-Defendants’ merits briefs are due, March 15, which will pass before the Court has the opportunity to rule on the Department’s remand motion.

Accordingly, good cause exists to vacate the current merits briefing schedule and stay further proceedings concerning the merits of Plaintiffs claims until the Court rules on

¹ The Court issued a revised briefing schedule on February 7, 2022. Doc. 109.

² Doc. 111 (Defendants’ Motion for Voluntary Remand).

³ Doc. 109.

⁴ Doc. 116.

the Department's remand motion.⁵ The Court has the inherent authority to issue such an order to ensure the orderly conduct of the case and avoid potentially unnecessary filings by the parties.⁶ Depending on the Court's ruling on the Department's remand motion, a new briefing schedule may then be set to conclude briefing on the merits of Plaintiffs' claims.

DATED: March 14, 2022.

TREG R. TAYLOR
ATTORNEY GENERAL

By: /s/ Ronald W. Opsahl
Ronald W. Opsahl
Colo. Bar No. 35662
Assistant Attorney General
Brian E. Gregg
Alaska Bar No. 2107080
Assistant Attorney General
Alaska Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501
Phone: (907) 269-5100
Facsimile: (907) 276-3697
Email: ron.opsahl@alaska.gov
brian.opsahl@alaska.gov

Attorneys for State of Alaska

⁵ This case is related to but not consolidated with *Northern Alaska Environmental Center v. Debra Haaland*, No. 20-cv-00187-SLG. The schedule in that case is coordinated with the schedule in this case. An identical motion is filed in that case

⁶ See *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

CERTIFICATE OF SERVICE

I hereby certify on March 14, 2022 I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification and electronic service of the same to all counsel of record.

/s/ Suzanne N. Jump
Law Office Assistant I